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MINUTES OF THE COUNCIL AND GENERAL COURT
—1622-1629.

From the Originals in the Library of Congress.

*Erasures in the original are printed here in italics.

(CONTINUED)

[43]

5. At the Court were read Letters directed to ye Governor & Councell from ye Lords of his Ma'ties privye Counsell touchng the requiring of Mr Abraham Persey to make satisfaction to the Adventurers of ye late Magazine (1) according to his agreem't w'th them & to send it by the first returne of shipping to London according as the said Adventurers of ye Magazine have directed him by their letters unto him: The Court hath hereuppon ordered yt Peirse do w'thout faile shipp so much Tobacco in ye good shippes called ye Anne & ye James as shall make full satisfaction according to his agreem't w'th them & yt hee direct & consigne it according to their directions unto him by their letters.

6. At this Court was p'duced by Capt. Will'm Tucker a generall acquittance under ye hand & seale of Mr George Menefye, Attorney from Mr John Ferrar, John Bland, (2)

The "Magazine" was a store kept in Virginia as a private venture by various members of the Virginia Company. It has been spoken of as "the Companys Store," but the shareholders were really certain adventurers, who received authority from the Company to sell to the colonists. The resident manager, or "Cape Merchant" was also the receiver of the Company's revenues in Virginia.

(2) John Bland (1573-1632), grocer, of London, was an active member of the Virginia Company. Four of his sons emigrated to Virginia. Abraham Jennings was one of the charter members of the Company for colonizing New Foundland. John Ferrar was one of the leaders of the Virginia Company.

Abraham Jennings & Companye for ye clearing and acquitting of ye said Capt. Tucker of all manner of actions, debts & whatsoever belonging unto ye voidage of ye Elenor of Orston 1621, The coppye whereof here followeth
See records vol. 24.

[44]

A Court at James Citty, the 12th day of Octob'r 1626, pr'sent S'r George Yeardley knt. Governor &c. Capt. Smyth, Capt. Mathewes, Mr Persey, Mr. Claybourne, Capt. Tucker & Mr. Farrar.

1. At this Court Mr Will'm Claybourne made request unto ye Court yt wheras there were certaine kine delivered by Mr George Sandys late treasurer unto Mr Davison (3) late Secretarye, deceased, & unto Mr Doctor Pott equally between them they both claiming, that by conditions fro' the Company w'th them they were to have fowre kine to belonge to each of their places & offices: Now Mr Claybourne humbly desireth ye Court to take into consideration whether any of those cattle may not now be delivered unto him as appertaining to ye place of Secretarye

2. It is ordered yt Mr Doctor Pott doe procure out of England from Mr George Sandys late treasurer or fro' S'r ffrancis Wyatt, Knt., late Govenor, a certificate under their or either of their hands and seales or hand & seale, yt eithier the one or the other of them, or both, delivered the kyne w'ch are now in ye possession of ye said Doctor Pott as belonging & appertaining to ye place of Physition between this time & the last day of October w'ch shalbe in ye yeare of our Lord 1627, Or otherwise yt he ye said Doctor Pott deliver those said Kyne upp, w'th ye increase, unto ye present Governor & Council of Estate to be by them disposed of as shall then seem best & convenient.

3. It is ordered yt whereas it appeareth by bond under the hand and sele of Mr John Hart for ye delivering of one man

(3) Christopher Davison, Secretary of State of Virginia, 1621-1623, was son of Queen Elizabeth's unfortunate Secretary.

unto John Bainham, gent. at or uppon ye 25th day of Decemb. 1625 as by ye said bond more at large appeareth, Now whereas, ye said man is not delivered accordingly, yt George Menefy, Merchant, doe retaine & keepe five hundred pounds waight of tobacco of ye goods of ye said John Hart, yt if the said man, now alledged to bee sent & shipped on a ship fro' Ireland. Mr ffells, master, does not arrive & be delivered to ye said John Bainham by the 25th day of Decemb. next, yt then the said 400 lbs of tobacco be paid to ye said Mr Bainham in full satisfaction of ye said bond.

Steven Webb (4) sworne and examined sayeth yt the last night he heard Margarette ye wife of Thomas Jones say that there was never a man breething should keep her from going to Paspehay w'th her husband, And yt after ye reading of the warrant shee also said yt for noe mortall man she would goe to James Townie except Mrs Allington went And further this deponent sayeth yt about one month agoe John Butterfield came to this deponents wife all bebloudyed over her face, & sayd yt Goodwife Jones had beat him and further this deponent deponent sayeth yt the next day after this as hee remembereth being Sonday in ye morning, the said Butterfield went into his own plot of pease to gather some, where-uppon the wife of Thomas Jones followed him & would not suffer him to gather any, then this deponent came thither & found them Skuffling together & shee striving to take away his bagg then this deponent [p. 46] asked Butterfield if hee were a man, & desired him to give leave to this deponent to gather some pease, w'ch when Butterfield bid him to doe, & hee stooping and gathering some the said Margarette Jones flew

(4) Stephen Webb, who at that time lived on the South side of the river opposite Jamestown, was a Burgess for James City County 1643-1644. He was son of Stephen Webb of Breshley, Worcestershire. See this Magazine III, 57. Margaret Jones was one of those stalwart viragos happily now of much less frequent occurrence. At the Census of 1624-5, Thos Jones and his wife lived at Pashbehaighs on the north side of the river above Jamestown; but had evidently removed to the other side. Robert Hutchinson lived at The Main, near Jamestown, 1623. His name does not appear in the Census 1624-5. In 1624-5 John Butterfield, aged 23, lived at Capt. Smith's plantation "over the water". Stephen Webb, also lived there at that time. Thomas Moulton, aged 25, (in 1624-5) was a neighbor. The **Margaret and John** was a ship which made frequent voyages to Virginia.

uppon this deponent & strucke him w'th a tobacco stalk, then their came in Goodman writte [Wright] who qualified her. Morover this deponent sayeth that before all this when they gathered tobacco, hee saw John Butterfield come with a scratched face when he had before heard a great out crye yt the said Margaret Jones & ye said Butterfield had made Thomas Gray sworne & examined sayeth & affirmeth as much as Steven Webb hath done concerninge Margaret Jones her beating and scratching John Butterfield.

Left. Giles Allington sworn & examined sayeth, yt about a month agoe there being a falling out betweene John Butterfield & Margaret Jones at ye water side, the said Margaret haveing scratched him ye said John, then this deponent hearing the said Margaret make a clamor & cry for aid, this deponent went presently downe & found her w'th her hair about her eyes & her face all scratched: then shee coming to ye house began to raile at her husband in this manner, thou base rascal wilt thou not take my part, what care I for yt.

[47]

Thomas Moulton sworne & examined sayeth & affirmeth in all points as much as the aforesaid Giles Allington hath done.

4. It is ordered, for ye severall offences aforementioned of the said Margaret Jones, yt shee be toughed [towed] or dragged at a boats sterne in ye River fro' ye shoare unto the Margaret & John & thence unto ye shoare againe

5. In ye presence of ye Court one Robert Hutchinson, having bene formerly punished for adultery with Margaret Jones by ye Governor & Counsell said in ye open Court w'th often repetitions & w'th a loud vo,ce, my conscience telleth me I have been wrongfully punished: Hereupon ye Court for ye insolent & uncivill behaviour of ye said Hutchinson do aiudge & condemne him in ye forfeiture of fortye pounds, in ye wh'c he standeth allready bound to ye Governor uppon his good behavior, & it is further ordered yt ye said Hutchinson doe againe enter into bond of fiftye pounds sterling three hundred pounds waight ot Tobacco unto ye governor for his good be.

havior, & more especially in his carriage of himselfe concerninge ye said Margaret Jones

[48]

A Court at James Citty the 13th of Octob., 1626, present S'r George Yeardley, Knt., Governor, &c, Capt. West, Doct'r Pott, Capt. Smyth, Capt. Mathewes, Mr. Persey, Mr Claybourne, Capt. Tucker & Mr ferrar.

After ye death of Mr Richard Bennett who deceased about ye 28th of August last and w'thout any sufficient or particular disposition of the goods & other matters, concerninge both his owne estate & ye estate of Mr Edward Bennett his brother hereuppon order hath been taken yt there hath beene an Inventory of all things taken, and all the books and other Accounts brought in here at this Court, together w'th a list of all the debts drawne out of the same books, a coppye whereof is intended to be sent into England; and to ye end that the estste left here may be preserved, the Court hath thought fitt yt Mr Lodowick Pearle (Com'ander of Mr Bennetts plantation by Commission fro' Mr. Bennett) do take unto his charge and possession all ye goods & whatsoever remaneth of ye estate, and doe have recorded in ye Court a Coppye of ye severall Inventories of ye goods & a receipt of all such books & Accounts as he receaveth unto his hands: And if hee shall make use of any of ye goods for the reliefe of Mr Bennetts owne servants or otherwise shall sell any part therof for ye benefit of ye Adventurers yt hee give an Account quarterly into this Court of his proceedings therein, that soe wee may prevent any wronge as much as may bee, yt may bee done unto ye Company of Adventurers—The Court doth likewise require Capt Basse Com'ander there to looke into ye proceedings of ye said Lodwicke Pearle, & doe give information thereof

[49]

And in regard yt Capt. Basse hath taken great pains, by order from ye Court, in imploying both himselfe & servants concerninge the taking of ye Inventories & Casting upp the Accounts it is ordered yt Mr Bennett doe make satisfacione unto him.

2. It is ordered yt Mr Pearle have a generall warrant for the better recoveringe of such debts as are not yet paid, of ye debts & accounts of Mr Edward Bennett & Mr Richard Bennet (5).

3. It is ordered, according to an act of a late generall Assembly yt all dwelling houses through the Colony be palizadoed or paled about, defensible against ye indians to bee done & finish'd before ye first day of May next, and for such as shall bee hereby constrained to bestow their labour on other mens grounds having but one years time to stay on ye land, it is hereby provided yt they shall have satisfaction by ye owner thereof and in default hereof yt is ordered yt such as shall neglect ye making of ye like palizado shall forfeite one hundred waight of tobacco to publique uses, & shall then doe w'thin 6 months next after or else forfeite over & above ye said one hundred, two hundred waight more. And for such as doe inhabite uppon Neckes of land yt may with lesse labour & charge be taken in & prove as desirable for ye plantation, it is thought fitt yt ye Com'ander of every such plantation doe require all ye inhabitants joyntly [p. 50] to afford their labours in performing & finishing of the worke, and if any shall in this kind refuse to joyne & give their worke herein, it is ordered yt ye Com'ander doe hire or wage some other man to worke in his same & hee to pay the charge. But if ye plantation in generall shall neglect this thing hereby imposed uppon them they shall forfeite one hundred weyght of tobacco p pole.

4. The Court at this time uppon ye demonstrance of Mr. Abraham Persey (6) yt ye aforesaid order would prove very heavye & troublesome unto him at Perseys Hundred is content in regarde he hath many houses already paled & palizadoed in, & that all ye whole necke is well railed in, & that he hath 10 or 12 pieces of ordinance well mounted & planted for ye defense of ye place, yt hee doe pale or palisade in such other houses are are not yet framed fro' ye Indians, as hee in his discretion shall thinke fitt

(5) See this Magazine XXV, 393, 394.

(6) Abraham Persey had 1150 acres on Appomattox River, and also Perseys Hundred containing 1000 acres planted. This latter place was in the present Prince George County and was also known as Flowerdew Hundred.

5. It is at this Couty ordered yt in such places where cattle are kept as hogg Iland, James Cittye Iland, the necke of land & other places yt the inhabitants for ye lessening or shortening of their workes in securing of their stocke shall not so raile or fence by advantage of creeks & necks as ye cattle be hardly cut of [off] fro' a great part of ye feed yt ye cattle might have [p. 50—duplicate no.] in such such raile pale or fence their cattle ground as the pasture & field of the cattle bee not taken from them. In w'ch if any shall offend his ffence shall be pulled downe & the losse arising thereby fall uppon himselfe.

6. John Adams, Merchant, sworne and examined sayeth yt to his knowledge there was no sort of linning cloath brought into this Country in ye shipp called ye Happy Entrance w'ch arrived here lately fro' Canada except those two dozen of Calico sheets set downe in ye Invoice & delivered upp & none else but one yard & $\frac{1}{2}$ of lawne in three remnants.

At this Court Mr Will'm Gainye, Will'm English, Tho. Spilman & ffrances Mason had a graunt of their passes to goe for England

In regard yt there are many inconveniences appear like to happen in ye former order of having chosen merchants, by whose hands the comodities brought in might be derived into ye hands of ye whole Collony, it is now by the Court ordered yt all shippes & vessells whatsoever doe immediately after their first arrival w'th all convenient speed come upp to James City, unlesse it is otherwise thought by ye Governor & Councell & to breake bulke before nor make sale of any goods whatsoever before their arrivall their, and shall then deliver upp an Invoice of their goods uppon oath if it shalbe thought fitt, and then to bring their goods & Com'odities [p 51] a shoare & not to sell anything w'thin ten days, yt soe all ye Collonye may have notice of the same & may either come or send every man to supply himselfe for his owne use or ye use of his ffamilye, And noe man may be suffered to ingrosse com'odities or forestall the marketts & yt none shall sell any com'odities at dearer rates than they bought ye same uppon penalty of fforfeiture of ye said com'odities & pay 500 li. of Tobacco as often as they shall soe offend. And flurther it is ordered yt noe man except such

as are of ye Councell & such as are authorized thereunto by warrant doe at any time goe aboard of any shipps whatsoever either uppon their first arrivall or afterward w'thout warrant under ye Governors hand uppon forfeiture of 20 li. of tobacco for every such offence, nor to buy any goods whatsoever aboard of any shipps, but yt all buying or selling be made & agreed on shore, uppon forfeiture of such goods & 500 li. of Tobacco.

At this Court came in Capt. ffancis West and Mr George Menifie and signified yt they had made an agreement and finall end concerninge the debts & accounts yt Mr Edward Blanye, deceased, was engaged for as concerning the magazine goods sent unto him in ye Warwicke 1621 and the Abigaill 1622, viz yt Capt. West should in full satisfaction of all Accounts concerninge ye said debts pay five thousand pounds waight of good merchantable Tobacco at or before ye twentieth day of November now next [p. 51] ensuing & give in sufficient securitie for thousand pounds waight of Tobacco more to bee paid the next crophe uppon ye twentieth of November

Yt is ordered yt a publication shall be sent to all plantations yt as soon as may bee after the Death of any man there be an Inventorye taken of all his estate & goods whatsoever & yt such wills & testaments as shall be proved as soone as may be & that it be not deferred beyond ye next quarter Court at ye ffarthest uppon penaltye of censure of ye Governor & Counsell as in a matter yt divers times may prove of great inconvenience as hath been apparent by many examples, And it is farther ordered yt all such as have not hitherto proved any Wills as neglected to deliver forthw'th the Inventoryes of ye goods of persons deceased within one year last past doe prove ye said wills & deliver in ye Inventoryes at or before ye next quarter Court held at James Citty uppon ye penaltye aforesaid.

It is ordered at this Court yt all sales of lands & deeds of gift of land made & agreed on between partye w'thin this Colonye be brought in to ye Court at James Citty & there recorded & enrolled w'thin one year and a day next after ye date thereof.

[53]

A Court at James Citty the 23^d of Octob. 1626, presetn S'r George Yeardley, Knt., Governor, &c, Capt. West, Capt. Smyth, & Mr Claybourne

1. Whereas there hath bin formerly an order made uppon ye petition of Mr Edward Grindon (7) that ye ground belonging by patent to Ensyn W'm Spence, of Archers Hope, should be layed out & bounded and yet notw'thstanding the Administrators of the said Wm Spence have neglected ye performance of ye same hithertoo, therefore now at ye earnest suite & request of the saod Edward Grindon it is ordered yt Wm Kempe or such other as doe hold ye Administration of ye said Wm Spence his goodes, doe take such course yt ye said land at Archers Hope bee layd out & measured before ye feast of ye Nativitie of o'or Lord next ensueing, and to deferre it any longer time to ye detrim't of ye said Edward Grindon uppon ye penalty of one hundred pounds waight of Tobacco

2. At this Court there one Letter of Attorney under the hand and seal of Richard Bailye guardian to Mary only daughter & heir to John Bailye late Planter here in Virginia; proffered by Edward Grindon, whereby it appeareth yt ye said Edward Grindon hath full power & authoritye to enter uppon all thereof to dispose as hee shall think fitt as by the same doth now at large appeare: Now at this Court the said Mr Edward Grindon hath leased the same to S'r George Yeardley, Knt. for the terme of three yeares, or longer if soe bee the child doe not then come of age, paying yearly to him for ye same ye some of two hundred pounds of tobacco

3. It is recorded yt wheras Capt. Hamor, Esqr. deceased, hath formerly made petition to ye Court to have a grant of such land as hee hath now planted uppon in Hogg Island, ye land of Mary Baily being measured & bounded yt there shall be a grant of two hundred acres of land there situated given unto Mrs Elizabeth Hamor, as made & constituted herein to ye same by the last will and Testament of Capt. Ralfe Hamor

(7) In 1624, Edward Grindon owned land on the south side of the river opposite Jamestown. He was a Burgess for that section 1623-4. Vol. I, 89, 90.

[54]

A Court at James Citty the 24th day of October 1626, present S'r George Yeardley, Knt., Governor &c, Capt Roger Smyth, Mr Claybourne & Capt Tucker

1. Steven Dixon sworn & examined sayeth yt uppon the 29th day of July last past at Mr English his house He [?], Anthony Asson & Mrs Ganye came running upp fro'm ye waterside into ye house, & the said Anthonye prayed this deponent to goe downe suddenly to ye waterside, for yt Mr Ganey's boy named Thomas Canadye was sticke in the mudd & was like to be drowned, soe when this deponent came downe he could not see any part of the boy above water, then presently Mrs Ganey said to this deponent that ye said Anthony did not borrow ye boy of him, neither did he lend him unto him what measure can he make unto my husband, & this deponent sayed, I know not, the next day about ten of o'clock in ye morning this deponent, it being low water went thither & found ye boy uppon ye mudd where ye water had ebbed away fro' ye body about five strides, then this deponent went & told Mrs Gany, who intreated this deponent to goe to Mr English his house & and take one of his men to helpe to make a grave & soe to bury him, w'ch this deponent did performe. And further this deponent sayeth yt when hee tooke upp the body it laye uppon ye mudd lyeing over one side & his leggs a little crooked, moreover this deponent sayeth yt were [where] he found ye body hee thinketh yt ye water is about as deep as his middle, but hee thinketh by Mrs Ganye her words unto how yt ye body was removed about ten foote fro' ye place were [where] ye boy was drowned: And further this deponent sayeth yt he could not perceive yt ye said Anthony Asson had walked or gone into ye water to save the boy

It is the opinion of the main part of the table [court] that Anthony Asson shall pay for his offence in sending a boy named Thomas Canadye over a creeke at Keconghton uppon Mr Gainy's land to fetch his Canoe on the other side whereby the said boy was drowned, viz: one hundred weight of tobacco to Mr Wm Gainy who had hyred ye boy for yt yeare & two hundred waight more to Mr Humphrey Rastell whose servant

he was; for that it appeareth that he ye said Anthony might w'thout doubt have saved the boy by wading a little into ye water, & for yt he had not asked leave of anyone to have the said boy to fetch his Canoe

finis Curiae

[55 is not among transcripts it is probable that the order of the court, preceding, was p. 55]

[56]

A Court at James Citty, the 31st of October 1626, present S'r George Yeardley knt., Governor &c. Doctor Pott, Capt. Smyth & Mr Will'm Claybourne.

1. Robert Scotchmore (8) sworne & Examined sayeth yt the will produced in Court was the will of Mr Ellis Emerson, deceased, & the said Mr Emerson was then in perfect memorye & delivered ye same.

Jonas Stockden, minister, sworne & examined sayeth yt ye will produced in court by Thomas Dunthorne was the will of Elizabeth Dunthorne, deceased, & yt she was in perfect memorye & delivered ye same as her act & deed.

[57]

A Court at James Citty the 6th day of November 1626, present, S'r George Yardley, Knt., Governor &c, Doctor Pott, Capt. Smyth & Mr Claybourne

1. Whereas Henry Gainye hath formerly by an order of Court bene amerced & condemned to paye 300 li. of Tobacco for an offence committed by him in trading for corne contrary to a proclamation in yt case p'vided it is thought fitt in regard of divers considerations & ye porre estate of ye sd Henry Gainye yt there shalbe 200 li. of ye said tobacco remitted & released unto ye said [p. 37] Henery & that he shall likewise have a discharge & release fro' ye bond of his good behaviour for that offense & trespass commityed.

(8) In 1624-5, Robert Scotchmore, who came in the *George*, in 1623 and three of his servants, are entered as living at the Main, near Jamestown; but soon afterwards they removed to Martins Hundred. Ellis Emmerson, Ann his wife, and Thomas his son, aged 11, lived at Martins Hundred 1624-5.

Thomas Bransby sworne and examined sayeth yt wheras the one & twentyeth of August last past Thomas ffarley was amerced & fined for his offence in being absent fro' Church in ye some lf one hundred waight or Tobacco, yt there after his coming home in ye Evening hee sayed yt at ye Court they have taken one hundred waight of Tobacco from me I think that in that nature they had as good have taken so much out of my pocket or purse hee knoweth not w'ch he spoke.

[58]

A Court at James Cittye 13th of Novemb. 1626, p'sent S'r George Yeardley, Knt., Governor &c, Doctor Pott, Capt. Smyth, Capt. Mathews, & Mr Claybourne

1. Elias Longe sworne & examined sayeth yt about ye latter end of Julye last past he was present when John Parsons, now deceased, being then sick, but in perfect mind & memorye, made his will by worde of mouth in manner following, viz: hee gave to Barbary ye wife of Ismael Hill his bedding & a barrell of corne, to Mr Rookins his shirt & a pair of garters, as for all the rest of his estate & croppe yt was left he gave them unto his mate Willi'm Pilkinton

2. It is ordered yt Willi'm Pilkinton tenant shall have a letter of administration granted him uppon ye goods of John Parsons, deceased, & that hee shall deliver in an Inventory of ye goods of ye said John Parsons & ye same to be praised uppon the oaths of two suffient men.

3. Uppon the request of Mr Hugh Crowder, planter, yt by reason of the barrenes of the ground whereon he now liveth belonginge to Capt. John Hudleston, he desireth to remove & plant uppon the ground of Capt. ffrancis West at Chapoocks Creek, The Court hath given leave & permission for him & his Company liveing w'th him so to doe

(To be continued)